

DOS REVIEWED 12-Nov-2010: NO OBJECTION TO DECLASSIFICATION

JCS REVIEWED 28-Sep-2010: NO OBJECTION TO DECLASSIFICATION

THE WHITE HOUSE

WASHINGTON

Aug. 28, 1972

REFER TO DOS

TOP SECRET/SENSITIVE
EXCLUSIVELY EYES ONLY

5:00 PM
TODAY

MEMO FOR: HENRY A. KISSINGER

FROM: AL HAIG

Attached is the package that we plan to have Fazio give to the Chinese ~~tomorrow~~ ^{today} (Wed., August 30). The Defense memo is being retyped verbatim on plain paper; we would leave off the chart, as well as the heading and Moorer's name on the memorandum.

At Tab B is Kennedy's report on his meeting yesterday.

Attachments

*Handed by Fazio to
Mrs. Shuh, 8/30/72*

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ETS-HK-AA49863

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8/30/72

Attached for the information of the Chinese side is a copy
of the ^{further} ~~Defense Department~~ report, which the U.S. side mentioned
on August 28, 1972, concerning the August 22, 1972 incident.

The U.S. side expresses once again its sincere regret for
the loss of life resulting from this matter. It will do its utmost to
prevent reoccurrence, but wishes to point out that the activities
involved run the risk of inadvertent and regrettable incidents.

Attachment

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~~SECRET~~~~SECRET~~THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20301

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subject: PRC Protest Over the Sinking of a Small
Waterborne Logistic Craft on 22 August 1972

1. An investigation has been conducted of a PRC protest over the sinking of an alleged PRC lifeboat in the vicinity of Hon Ngu Island on 22 August 1972. The investigation included personal interview of the pilots by the commanding officer, Oriskany, photos of Hung Chi 151 on 25 August 1972 and comments from commanding officer USS Truxton whose ship was controlling the two A-7 aircraft involved. The principal elements disclosed by this investigation were:

a. The movements and nature of the craft attacked coincided with the movements and nature of many other waterborne logistic craft noted in the past. These craft have been attacked and destroyed because they are engaged in transporting supplies from merchant ships at Hon Ngu anchorage into the Democratic Republic of Vietnam.

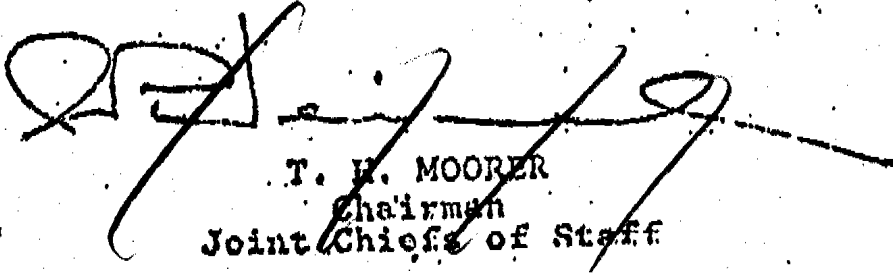
b. The location of the boat at the time of the bombing was approximately 1500 feet from the nearest merchant ship. An A-7 flight requested permission from the USS Truxton to attack the boat. Truxton authorized expending ordnance against the boat only after the pilots twice checked for presence of flag and reported back there was no flag. Although the PRC alleges the boat was a "lifeboat," the aircrews report several boxes or crates were observed in the boat. Based on this observation, it was concluded that supplies were being carried by the North Vietnamese from the northern merchant ship. The boat was sunk with one 500 lb bomb dropped from an A-7.

c. 25 August photography reveals that Hung Chi is missing one of the two small boats normally carried aft. Photography on 19 August had both boats in place. It may be surmised from this information and from the correlation of boat sizes, that the boat which was sunk could have been from the Hung Chi 151.

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d. According to the PRC, the boat was sunk at 18°47'56"; 105°45'12"; the A-7 flight reported the position as 18°47'45", 105°45'. The two positions differ only 1100' in their north-south orientation. It is noted that this position is approximately one-third of the distance from shore line to Hon Ngu Island -- another indication to the aircrew that the boat was carrying supplies.

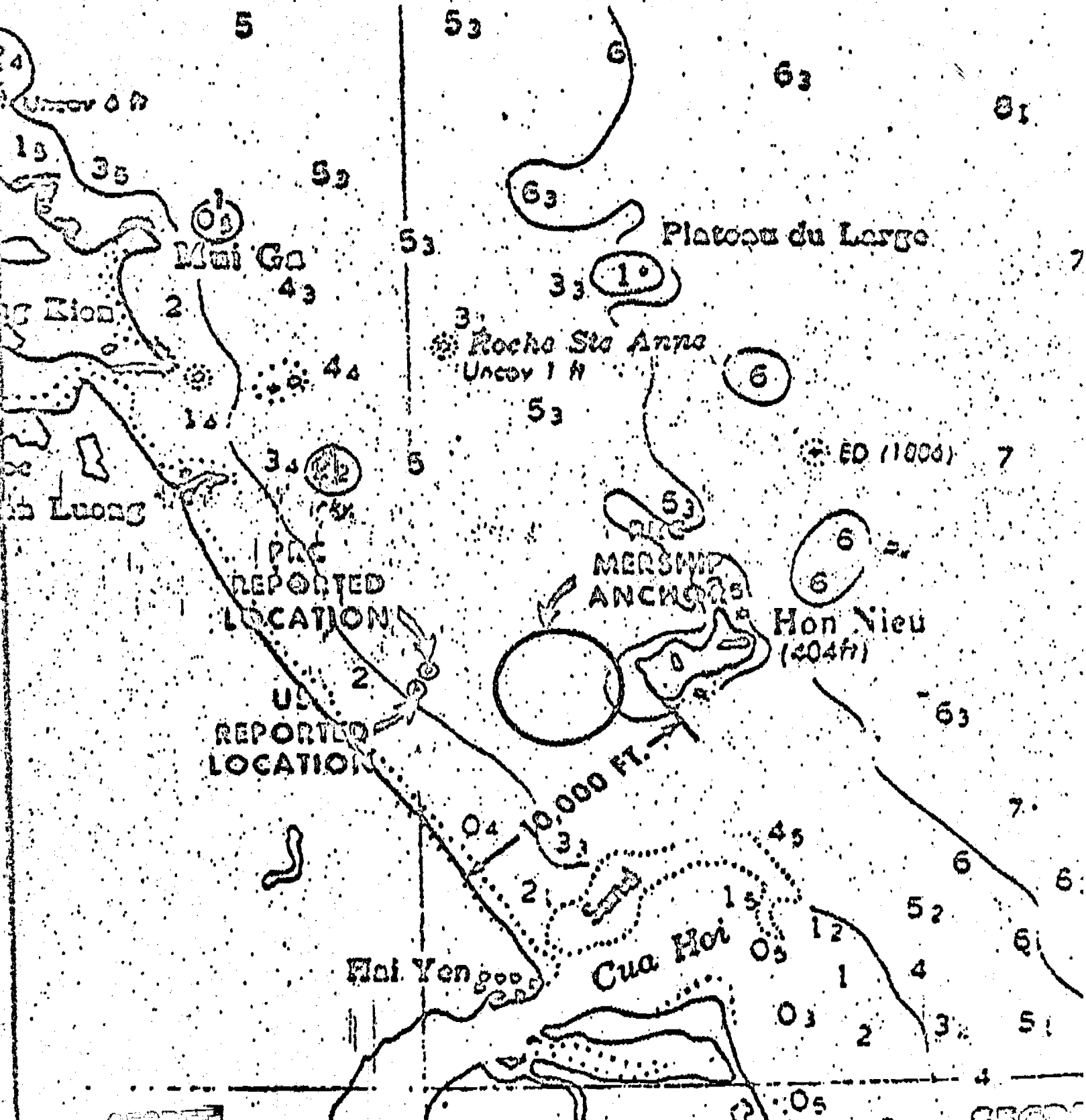
2. To summarize: The boat appeared to be carrying supplies; it was near shore according to both PRC and aircrew reports; it was not flying a flag; two low level identification passes were made to ascertain the boat's mission. The attack was initiated in accordance with the formally proclaimed intention of the United States to prevent the delivery of seaborne supplies to the Democratic Republic of Vietnam.


T. H. MOORER
Chairman
Joint Chiefs of Staff

1 /etc/
Chart

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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

file
clerk
ETS-MR-AA-49803

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MEMORANDUM OF CONVERSATION

PARTICIPANTS: Ambassador Huang Hua
Mrs. Shih, Interpreter
Mr. Richard T. Kennedy, NSC Staff

DATE AND TIME: Monday, August 28, 1972, 5:00-5:30 p.m.

PLACE: New York

After a brief exchange of pleasantries, Mr. Kennedy noted that he had both a written message and an oral message to convey. He then read the written message at Tab A. He then indicated that the US side would be receiving a further report on this incident by August 29, 1972, and would communicate it to the Chinese side. Ambassador Hua asked if all that had been read was contained in the note which Mr. Kennedy handed to him to which Mr. Kennedy replied affirmatively. The Ambassador indicated that he would transmit the message to his government. He invited Mr. Kennedy then to make the oral statement.

Mr. Kennedy then read the oral statement at Tab B. The Ambassador said that he would transmit the oral message to the Prime Minister. He then made the following statement speaking without notes:

We transmitted through this channel the PRC position on this incident. It is as stated in our message. The lifeboat belonged to the Chinese; it did not carry cargo; and it was flying the flag of the PRC. This position was clearly stated in the message given to the US side in the statement of the Foreign Minister and the speech made by the spokesman of the Ministry of Information.

We hope that the US side will be dealing seriously with this matter and that it will secure against recurrences of similar incidents. The Chinese Government reserves the right to request compensation for losses.

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I hope that you will let us know of your final report of the investigations. As was stated in our message the last time, the Chinese side has made repeated representations to the US side but still incidents recur. That is why the Chinese side could not but make public the facts of this incident. The US side has made many representations as to guarantees of steps to assure against such incidents but still incidents have recurred. The Chinese Government therefore could not but protest to the US side. The statement by the US Command in Saigon was totally in denial of this incident. In short, the message, the statement of the Foreign Minister and the speech of the Government's spokesman have made the Chinese side's position very clear. We will not dwell on it further here. I hope the US side will investigate the incident seriously. I will transmit the messages you have given me to our government.

Mr. Kennedy assured the Ambassador that as the note indicated, the US side takes these matters and representations of the Chinese side concerning them very seriously indeed and investigates them very thoroughly. He stated that the Ambassador's statement would be conveyed to Dr. Kissinger. The Ambassador expressed appreciation and said that he would await the further report but that meanwhile the written and oral messages which Mr. Kennedy had given him would be transmitted.

Following closing pleasantries, the Ambassador indicated that he would look forward to receiving the further report of the incident and expressed appreciation for Mr. Kennedy's bringing the messages to him.

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